

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PHILLIP MARCH,)
)
Plaintiff,)
)
v.) No. 4:13CV1439 CEJ
)
DIVISION OF SOCIAL SERVICES,)
et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

On August 20, 2013, the Court ordered plaintiff to show cause why this action should not be dismissed for lack of subject matter jurisdiction. Plaintiff has responded by filing a motion for leave to file an amended complaint, a proposed amended complaint, and a response to the show cause order.

Under Rule 15(a) of the Federal Rules of Civil Procedure, plaintiff has the right to file an amended complaint. Therefore, the motion to amend will be granted, and the Court will consider the allegations in the amended complaint.

Rule 12(h)(3) of the Federal Rules of Civil Procedure requires a court to dismiss a complaint if it determines, at any time, that subject matter jurisdiction is lacking. In the original and amended complaints, plaintiff seeks review of a state court decision denying his motion to vacate or set aside an administrative order entered by the Missouri Family Support Division requiring him to pay child support. See Johnson v. March, 376 S.W.3d 26, 27 (Mo. Ct. App. 2012). Federal district courts are courts of original jurisdiction; they lack subject matter jurisdiction to engage in appellate review of state court decisions. Postma v. First Fed. Sav. & Loan, 74 F.3d 160, 162 (8th Cir.

1996). "Review of state court decisions may be had only in the Supreme Court." Id. This Court has no authority to review a decision made by the state court. Moreover, this Court lacks jurisdiction over child support actions. Kahn v. Kahn, 21 F.3d 859, 861 (8th Cir. 1994) ("The domestic relations exception . . . divests the federal courts of jurisdiction over any action for which the subject is a divorce, allowance of alimony, or child custody."); Lannan v. Maul, 979 F.2d 627, 631 (8th Cir. 1992) ("child support obligations [are] within the domestic relations exception domain"). Thus, the amended complaint must be dismissed.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis [ECF No. 2] is granted.

IT IS FURTHER ORDERED that plaintiff's motion for leave to file an amended complaint [ECF No. 5] is granted.

A separate Order of Dismissal will be filed contemporaneously.

Dated this 23rd day of September, 2013.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE